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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

MARY KATHERINE ARCELL, *et al.*,

Plaintiffs,

v.

GOOGLE LLC, ALPHABET INC., XXVI
HOLDINGS INC., APPLE INC., TIM
COOK, SUNDAR PICHAI, and ERIC
SCHMIDT,

Defendants.

CASE NO. 5:22-cv-2499-EJD

**STATEMENT OF RECENT DECISION
RELEVANT TO MOTION TO DISMISS**

Date: June 8, 2023
Time: 9:00 a.m.
Place: Courtroom 4
Judge: Hon. Edward J. Davila

Pursuant to Northern District of California Civil Local Rule 7-3(d)(2), Defendants Google LLC, Alphabet Inc., XXVI Holdings Inc., Sundar Pichai, Eric Schmidt, Apple Inc., and Tim Cook (collectively, “Defendants”) respectfully submit this Statement of Recent Decision to bring to the Court’s attention Judge Haywood S. Gilliam, Jr.’s recent decision in *California Crane School, Inc. v. Google LLC et al.*, 4:21-cv-10001 (Mar. 31, 2023 N.D. Cal.), ECF No. 104. Judge Gilliam granted a motion to dismiss by the same Defendants as in this case against a complaint filed by the same Plaintiffs’ counsel asserting the same two legal claims. A true and correct copy of the decision is attached hereto as Exhibit A. The *California Crane* decision concerns allegations similar to those at issue in the instant action and is therefore relevant to issues raised in Defendants’ pending Motion to Dismiss (ECF No. 25), which is scheduled for oral argument on June 8, 2023.

DATED: April 3, 2023

By: /s/ Steve Sunshine

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Attorneys for Defendants Apple Inc. and Tim Cook

1 DATED: April 3, 2023

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SIGNATURE ATTESTATION

Pursuant to Civil L.R. 5-1(h)(3), I hereby attest that I have obtained the concurrence in the filing of this document from all the signatories for whom a signature is indicated by a “conformed” signature (/s/) within this e-filed document, and I have on file records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request.

DATED: April 3, 2023

By: /s/ Steve Sunshine